

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

DAVID LYNN RUTLEDGE, #376727

§

VS. § CIVIL ACTION NO. 9:08cv130

§

CIVIL ACTION NO. 9:08cv130

DIRECTOR, TDCJ-CID

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. No objections were filed, although Petitioner did submit Disciplinary Hearing records, none of which address the recommended dismissal of some of his claims for failure to exhaust administrative remedies and dismissal of his claim that the hearing officer denied Petitioner's request for two witnesses to be present at the hearing.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH PREJUDICE;**

ORDERS that Petitioner is **DENIED** a certificate of appealability; and

ORDERS that all motions not previously ruled on are denied.

So **ORDERED** and **SIGNED** this **30** day of **March, 2009**.



Ron Clark, United States District Judge